

Docket No.: ENZ-53

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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TECH CENTER 500/2900

Applicant: Elazar Rabbani et al.

Serial No.: 08/978,635

Filed : November 25, 1997

For : "Process for Selective Expression of Nucleic Acid
Constructs" (As Amended)

Assistant Commissioner for Patents
Box CPA
Washington, D.C. 20231

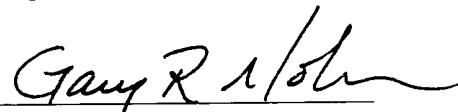
EXPRESS MAIL TRANSMITTAL OF
ABOVE-IDENTIFIED APPLICATION

SIR:

"Express Mail" mailing label number: EL605312545US
Date of Deposit: December 19, 2000

In connection with the above-identified application a Continued Prosecution Application (CPA) Request Transmittal (PTO/SB/29 Form) (2 pages), Fee Transmittal for FY 2001 (PTO/SB/17) (1 page), Petition for Three-Month Extension of Time, (2 pages), and a return receipt postcard were together transmitted under the above Express Mail mailing label number this date.

Respectfully submitted,



Gary R. Molnar, Esq.
Registration No. 30,299
Kalow & Springut LLP
488 Madison Avenue
New York, New York 10022

PTO/SB/29 (10-00)
Approved for use through 10/31/2002 OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECKED BY: ☒ DUPLICATE
ENTER 1500 2000

<p>Address to:</p> <p style="text-align: center;">Assistant Commissioner for Patents Box CPA Washington, DC 20231</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Attorney Docket No. of Prior Application</td> <td style="width: 50%;">Enz-53 (Div. IV)</td> </tr> <tr> <td>First Named Inventor</td> <td>E. Rabbani et al.</td> </tr> <tr> <td>Examiner Name</td> <td>M. Schmidt</td> </tr> <tr> <td>Group Art Unit</td> <td>1635</td> </tr> <tr> <td>Express Mail Label No.</td> <td>EL605312545US</td> </tr> </table>	Attorney Docket No. of Prior Application	Enz-53 (Div. IV)	First Named Inventor	E. Rabbani et al.	Examiner Name	M. Schmidt	Group Art Unit	1635	Express Mail Label No.	EL605312545US
Attorney Docket No. of Prior Application	Enz-53 (Div. IV)										
First Named Inventor	E. Rabbani et al.										
Examiner Name	M. Schmidt										
Group Art Unit	1635										
Express Mail Label No.	EL605312545US										

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 08 / 978,635, filed on Nov. 25, 1997, entitled "Process for Selective Expression of..." (As Amended)

NOTES

FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☐ Enter the unentered amendment previously filed on _____ under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
 - a. ☐ PTO-1449
 - b. ☐ Copies of IDS Citations

CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))	7 -20* =	0		x \$ _____ =	\$
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))	1 -3** =	0		x \$ _____ =	
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ _____ =	
				BASIC FEE (37 CFR 1.16)	355.00
				Total of above Calculations =	355.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.					TOTAL = 355.00

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.

7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 05 - 1135:

a. ☒ Fees required under 37 CFR 1.16.

b. ☒ Fees required under 37 CFR 1.17.

c. ☐ Fees required under 37 CFR 1.18.

8. ☐ A check in the amount of \$ _____ is enclosed.

9. ☐ Payment by credit card. Form PTO-2038 is attached.

10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.

11. ☐ New Attorney Docket Number, if desired _____
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]

12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)

b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)

13. ☒ Other: Request for Three-Month Extension of Time

NOTE:

The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Label

or ☐ New correspondence address below

(Insert Customer No. or Attach bar code label here)

Name	Ronald C. Fedus, Esq.				
Address	c/o Enzo Biochem, Inc. 527 Madison Avenue, 9th Fl.				
City	New York	State	New York	Zip Code	10022
Country	U.S.A.	Telephone	212-583-0100	Fax	212-583-0150

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)

Gary R. Molnar, Esq.

Signature

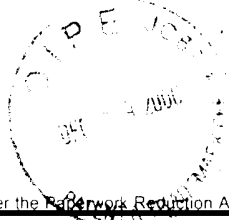
Gary R. Molnar

Registration No. (Attorney/Agent)

30,299

Date

December 19, 2000



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

(\$ 810.00

Complete if Known

Application Number 08/978,635
Filing Date November 27, 1997
First Named Inventor E. Rabbani et al.
Examiner Name M. Schmidt
Group Art Unit 1635
Attorney Docket No. Enz-53 (Div. IV)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 05-1135
Deposit Account Name Enzo Biochem, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Fee Fee Fee Fee Description
Code (\$) Code (\$) Code (\$)

101 710 201 355 Utility filing fee
106 320 206 160 Design filing fee
107 490 207 245 Plant filing fee
108 710 208 355 Reissue filing fee
114 150 214 75 Provisional filing fee

Fee Paid

355

SUBTOTAL (1) (\$ 355.00

2. EXTRA CLAIM FEES

Total Claims 7 -20** = 0 X 0 = 0
Independent Claims 1 -3** = 3 X 0 = 0
Multiple Dependent 0 = 0

Fee from below Fee Paid

Large Entity Small Entity

Fee Fee Fee Fee
Code (\$) Code (\$) Code (\$)

103 18 203 9 Claims in excess of 20
102 80 202 40 Independent claims in excess of 3
104 270 204 135 Multiple dependent claim, if not paid
109 80 209 40 ** Reissue independent claims over original patent
110 18 210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code	Fee Code		
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	445.00
118 1,390	218 695	Extension for reply within fourth month	
128 1,890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,240	241 620	Petition to revive - unintentional	
142 1,240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 445.00

SUBMITTED BY

Name (Print/Type) GARY R MOLNAR

Registration No. 30,299
(Attorney/Agent)

Complete (if applicable)

Telephone (212) 813-1600

Signature

Gary R Molnar

Date

DEC 19, 2000

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.